



UNITED STATES DEPARTMENT OF COMMERCE
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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
07/021,237	03/03/87	SHOFFNER	56929

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EXAMINER	
TAYLOR, D	
ART UNIT	PAPER NUMBER
351	5

DATE MAILED:

08/17/88

This is a communication from the examiner in charge of your application.

COMMISSIONER OF PATENTS AND TRADEMARKS

☐ This application has been examined ☒ Responsive to communication filed on 5/19/88 ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), — days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input type="checkbox"/> Notice re Patent Drawing, PTO-948. |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449 | 4. <input type="checkbox"/> Notice of Informal Patent Application, Form PTO-152 |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474 | 6. <input type="checkbox"/> _____ |

Part II SUMMARY OF ACTION

1. ☒ Claims 1-25 are pending in the application.
Of the above, claims 1-10 + 21-25 are withdrawn from consideration.
2. ☐ Claims _____ have been cancelled.
3. ☐ Claims _____ are allowed.
4. ☒ Claims 11-20 are rejected.
5. ☐ Claims _____ are objected to.
6. ☐ Claims _____ are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings which are acceptable for examination purposes until such time as allowable subject matter is indicated.
8. ☐ Allowable subject matter having been indicated, formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on _____. These drawings are ☐ acceptable;
☐ not acceptable (see explanation).
10. ☐ The ☐ proposed drawing correction and/or the ☐ proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been ☐ approved by the examiner. ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed _____, has been ☐ approved. ☐ disapproved (see explanation). However, the Patent and Trademark Office no longer makes drawing changes. It is now applicant's responsibility to ensure that the drawings are corrected. Corrections MUST be effected in accordance with the instructions set forth on the attached letter "INFORMATION ON HOW TO EFFECT DRAWING CHANGES", PTO-1474.
12. ☐ Acknowledgment is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received
☐ been filed in parent application, serial no. _____; filed on _____.
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

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The following is a quotation of 35 U.S.C. 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Claims 11-14, 19 and 20 are rejected under 35 U.S.C. 103 as being unpatentable over Shaw.

With respect to claim 11, Shaw teaches a plastic tube 10 having a permanently lubricated inner surface 11 which comprises a pair of telescopically related inner 11 and outer 16 cylindrical portions. The inner portion 11 including a highly lubricous polymeric material "TEFLON" and the outer portion including a high tensile strength material.

See Col. 3, lines 66-69 to Col. 4, lines 1-11. The particular type of lubricous material, as recited in claim 13, and the material used for the high tensile strength outer cover, as recited in claim 14, are considered to be matters of obvious choice and not patentable distinction.

Claims 15 and 16 are rejected under 35 U.S.C. 103 as being unpatentable over Shaw as applied to claim

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11 above, and further in view of Redding et al.

It would have been an obvious expedient at the time the invention was made to those skilled in the art to have provided the inner and outer tubes of Shaw with ribs, such as taught at 14 of Redding et al, as evidenced by Redding et al that such ribs enhance the structural integrity of a tube.

Claims 17 and 18 are rejected under 35 U.S.C. 103 as being unpatentable over Shaw as applied to claim 11 above, and further in view of Kleykamp.

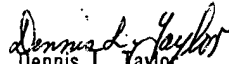
It would have been an obvious expedient at the time the invention was made to those skilled in the art to have provided the tube of Shaw with corrugations, as evidenced by Kleykamp, that corrugations provide greater structural strength.

Applicant's arguments with respect to claims 11-20 have been considered but are deemed to be moot in view of the new grounds of rejection.

Claims 1-10 and 21-25 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b) as being drawn to a nonelected invention. Election was made without traverse in Paper No. 4.

Any inquiry concerning this communication should be directed to Examiner Taylor at telephone number 703-557-6200.

Taylor/ph
8-2-88
8-10-88


Dennis L. Taylor
Primary Examiner
Art Unit 351